



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



50230108  
cc: wayne  
Task ID# 5395

In Reply Refer to:  
3809 (UTW02000)  
UTU-87623

RECEIVED  
AUG 19 2013

DIV. OF OIL, GAS & MINING

August 16, 2013

CERTIFIED MAIL # 7013 0600 0001 7756 3862  
RETURN RECEIPT REQUESTED

### DECISION

Metamining of Utah LLC

Mr. Kenneth Lowder

653 East 100 North

Springville, Utah 84663

: 43 CFR 3809 - Surface Management Plan  
: UTU-87623

### Release of Financial Guarantee and Closure of Case File

Your Plan of Operations (Plan) for the Black Magic Project in the Drum Mountains of Millard County, Utah underwent inspection on May 29, 2013. The purpose of the inspection was to examine reclamation progress at the Black Magic Project.

Your Plan of Operations to conduct mining was assigned Bureau of Land Management (BLM) case file number UTU-87623. Please refer to this number for any future communication concerning the Plan of Operations. This operation is also permitted with the Utah Division of Oil, Gas, and Mining (UDOGM) under their Small Mining Operation Permit S/023/0108.

Jerry Mansfield, Geologist for the BLM Fillmore Field Office (FFO), performed the May 29, 2013 field inspection. The inspection revealed that earthwork was complete to BLM standards and revegetation progress was adequate. BLM case file UTU-87623 will therefore be closed.

Amount of Financial Guarantee – The FFO has determined a financial guarantee for the reclaimed site of your Plan of Operations UTU-87623 in T. 14 S., R. 11 W., section 25 is no longer necessary. The financial guarantee amount for this site is therefore reduced to \$0.00.

Required Financial Guarantee – A financial guarantee in the amount of \$3,000.00 is currently being held by the Utah Division of Oil, Gas, and Mining (UDOGM) for their case file S/023/0108. This financial guarantee may be released.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR §4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

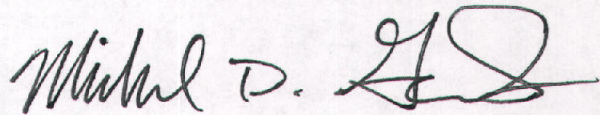
#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions concerning your BLM case file UTU-87623, please contact Duane Bays, FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Gates", with a stylized flourish at the end.

Michael D. Gates  
Field Manager

Enclosure: Form 1842-1

cc:

Wayne Western

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155